

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, June 8, 2009 – 2:00 p.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. Gene Davis
Sen. Brent H. Goodfellow
Sen. Mark B. Madsen
Pres. Michael G. Waddoups
Rep. James R. Gowans
Rep. Rebecca D. Lockhart
Rep. Carol Spackman Moss

Members Excused:

Rep. Merlynn T. Newbold

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.leg.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 2:12 p.m.

Chair Stephenson introduced and welcomed Chair Oda and Rep. Lockhart to the Committee.

MOTION: Sen. Goodfellow moved to approve the minutes of the March 6, 2009 meeting. The motion passed unanimously. Sen. Madsen was absent for the vote.

2. R392-303 Public Geothermal Pools and Bathing Places

Chair Oda introduced the issue. Mr. Chris Dallin, Crystal Hot Springs, spoke briefly about the development of the rule and asked the Committee to study ways to involve local health departments and local pool operators in the issue of measuring pool flow because of the unique nature of each pool.

Ms. Teresa Garrett, Director, Epidemiology and Laboratory Services, DOH (Department of Health), said the criminal penalty provision of the rule would be removed.

Mr. Doug Springmeyer, Assistant Attorney General, DOH, responded to questions from the Committee.

Mr. Garth Miner, DOH, responded to questions concerning flow and outgo of water in existing pools.

Mr. John Richards, General Counsel, Saratoga Springs Homeowners Association, expressed concern that the proposed rule gives local health officials too much discretion to implement restrictions which have the potential to overburden homeowners financially.

Ms. Becki Wheeler, On Site Property Manager, Saratoga Springs Homeowners Association, said the proposed rules seem vague and likely difficult to implement.

Mr. Jonathan Rea, President, Saratoga Springs Homeowners Association, briefly addressed concerns about the lengthy nature of the proposed rule and the authority being granted to the local health department.

Ms. Garrett said the public comment period should be reopened so additional changes could be considered.

Mr. Max Gyllenskog, Bear River Health Department, spoke in opposition to putting off implementation of the new rule.

3. R277-503-4 Licensing Routes

Dr. Larry Shumway, Deputy Superintendent, Utah State Office of Education, described changes made by the proposed rule, including provisions to an Alternative Routes to Licensure program which will grant credit to paraeducators who have been working in classrooms. Dr. Shumway said that the language of the rule should help candidates find the best routes to licensure that will lead to individual success, and responded to questions from the Committee.

4. R657-22 Possession of Antlers and Horns

Mr. Mike Fowlks, Law Enforcement Section Chief, Division of Wildlife Resources, said the rule requires completion of an annual wildlife harassment and habitat destruction prevention course to obtain the required authorization to gather naturally shed antlers during the antler gathering season.

Mr. Hunsaker said that the agency appears to have statutory authority to require the test, but if the Committee chooses to look into the matter it could be referred to the Natural Resources Interim Committee.

5. Committee Business

Future meetings were schedule for June 22, and July 14, 2009.

Mr. Hunsaker said a new list of committee members reading assignments would be distributed in the upcoming mailing packet.

6. Adjourn

MOTION: Sen. Davis moved to adjourn the meeting. The motion passed unanimously.

Chair Stephenson adjourned the meeting at 4:21 p.m.